

Judge Buchwald

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED JUL 23 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

: INDICTMENT

- v. -

: 08 Cr.

JOSE ANDINO and
KEITHROY DAVIS,
a/k/a "Mike Martin,"

08 CRIM 681

Defendants.

:

- - - - -X

COUNT ONE

The Grand Jury charges:

1. In or about June 2008, in the Southern District of New York and elsewhere, JOSE ANDINO and KEITHROY DAVIS, a/k/a "Mike Martin," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE ANDINO and KEITHROY DAVIS, a/k/a "Mike Martin," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(B) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about early June 2008, in Bronx County, New York, KEITHROY DAVIS, a/k/a "Mike Martin," the defendant, met JOSE ANDINO, the defendant, to discuss the receipt of package containing cocaine.

b. On or about June 16, 2008, a package containing approximately 800 grams of cocaine, addressed to "Jose Andino" (the "PACKAGE") was sent from St. Thomas, Virgin Islands, to ANDINO in Bronx County, New York.

c. On or about June 23, 2008, in Bronx County, New York, ANDINO took custody of the PACKAGE, after the actual cocaine had been removed by law enforcement, and replaced with "sham" cocaine.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offenses alleged in Count One of this Indictment, JOSE ANDINO and KEITHROY DAVIS, a/k/a "Mike Martin," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said

violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One and Two of this Indictment.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEITHROY DAVIS, a/k/a "Mike Martin,"

Defendants.

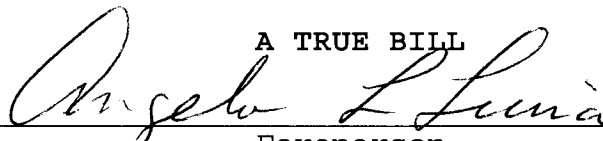
INDICTMENT

08 Cr.

(21 U.S.C. §§ 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

*Indictment filed, case assigned
to Judge Buchwald
J. Maas, USM*

*R
7/23/08*